PET	1.70		
	TION FOR ZONING	RE-CLASSIFICATION	235R
	AND/OR SPECIA	L EXCEPTION 45	1
Jac tem we.	SING COMMISSIONER OF BALTIMO ob Realty, Inc., Beverly Hills, In Cindor Realty, Inc., Attman Construction to , Inc.	RE COUNTY:	MAP WILLIAM
	g Law of Baltimore County, from an		RA
	R-Azone; for the fo	llowing reasons:	
1. 2.	Error in zoning map. Change in neighborhood.	The state of the s	2/23/65
	See AttachedDescription	<ul> <li>political conditions</li> </ul>	
		oning Law and Zoning Regulations of Baltim	ore
County, to u	se the herein described property, for		
County.		BY: Mulled & Bustus	sec
Address	Contract purchaser	BEYERLY HILLS, INC.  BY: Muldred Strate CINDOR REALTY, INC.  BY: Muldred Strate ATTMAN CONSTRUCTION CO, INC. BY: MULDRED STRUCTION CO, INC.	ster, See
 	Lux & Heedah	BY: Mildred & Huste CINDOR REALTY, INC. Language BY: MUSEUL & S. Maria	
Fr Address M	ed E. Waldkeltioner Attorney zoonic Building, Towson, Md. 212 8 8-5578	BY: Muldred & Function of the Standard ATTMAN CONSTRUCTION OF INC. BY: Muldred & Bright Standard &	
Fr Address M V/	ed E. WoldReptioner Attorney zoonic Building, Towson, Md. 212 A 8-55/8 ED By The Zoning Commissioner of	BY: Muldred & Funta- CINDOR REALTY, INC.  STANSON ATTMAN CONSTRUCTION CO. INC. BY: Muldred & Construction Co. Inc. Equitable Building, BERMON, Total Protestant's Attorney  104  Battimore County, this 2nd	ey .day
Address M ORDER	ed E. Woldkejttioner Attorney sonic Building, Towson, Md. 212 8 8-5678 ED By The Zoning Commissioner of ery	BY: Muldred & Function of the Standard ATTMAN CONSTRUCTION OF INC. BY: Muldred & Bright Standard &	day , as ugh- ning
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ORDER  of Febru  required by out Baltimor  Commission	asonic Building, Towson, Md. 212 A 8-5678 BD By The Zoning Commissioner of arry. 1965. that the state County, that property be posted, a er of Baltimore County in Room 106 Bth. day of. THE 2 - 165 AM	BY: Puldred & function of the process of the pullred of the pullre	day , as ugh- ning nore

RE: PETITION FOR RECLASSIFICATION : from an R-6 zone to an R-A zone N/S Hazelwood Avenue 200' Wes

BEFORE

COUNTY BOARD OF APPEALS OF

BALTIMORE COUNTY

No. 65-235-R

OPINION

This case is an application for change in zoning classification from R-6 to R-A of a piece of property of irregular outline, 14 acres more or less, with very small frontage on public roads but access by driveway to both Kenwood and Hazelwood Avenues in the Fourteenth District of Baltimore County. The application is based upon a claim of error in the original zoning which occurred in 1945 and also on changes in the character of the neighborhood which have occurred since that time.

The pictures of the site, introduced in evidence as exhibits together with inspection, indicate a very rough topography which was colorfully described by one of the protestants' witnesses as "mean". It is replete with land fills and excevations, eroded hillsides and piles of discarded detritus mostly as a result of the construction of the Kennedy Memorial Highway, the right-of-way for which adjoins the northwest boundary of the subject property although it has no access to the expressway which runs at an elevation considerably higher than the land sought to be developed.

Evidence presented by the petitioner indicates that at the time of the planning of the Kennedy Highway no access to sewers on the other side of that highway was constructed or designed connecting with the subject property and that to hook up the County sewer system with the subject property, no matter how developed, would require a twentyeight foot cut and quite a bit of extension to connect with the present existing sewer on Hazelwood Avenue. An expert engineer testifying for the petitioner presented figures which indicated (without reproducing his itemization which will be found in the record) that to develop this ground under its present zoning for R-6 would leave the developer with a cost for the land of \$5200 per lat which would be so high as to be almost prohibitive if not confiscatory. He testified that the average top feasible cost of land for development would be \$3400 to \$3600 per lot in an R-6 area whereas the cost of development, including newer extensions, grading, etc., etc., could very well be borne under the type of development planned by the petitioner; numely, for garden apartments of 240 units with 260 parking spaces for automobiles. This evidence was confirmed by the testimony of the petitione himself who is an experienced developer and who had purchased the property for R-6 development discovering, to his sorrow, at a later time it could not feasibly or economically

cation should be had; and it further appearing that by yearon of , 196 ..., that the herein described property or area should be and zone, and/or a Special Exception for a\_\_ granted, from and after the date of this order. Zoning Commissioner of Baltimore County Pursuant to the advertisement, posting of property and public hearing on the above petition the above re-classification should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED IT IS ORDERED by the Zoning Commissioner of Baltimore County, this. ----, 196 ..., that the above re-classification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain a be and the same is hereby DENIED.

165-235R

It was further testified that since 1945 there has been, gradually at first and ngly in recent years, a demand for rental housing and apartment development in this area. It was pointed out to the Board and is, of course, confirmed by the zoning map that there was not one single tract of land in the entire area zoned for apartments at the time of the adoption of the map in 1945 and that there are no large apartment developments in the entire area between Belair Road and Route 40 from the City Line to the Baltimore County Beltway, the nearest available apartment development being on Hazelwood Avenue near Belair Road within the City of Baltimore. These facts were confirmed by the testimony of Mr. Frederick P. Klaus, an expert realtor, developer and appraiser, who submitted, among other exhibits, a list of all substantial changes in the neighborhood that appear on the map which consisted almost entirely of changes from the R-6 zone, as originally laid out, to nercial uses mostly in the B-L classification and that there has been a substantia development in the area of commercial facilities; shopping centers, etc., as a result of these rezonings since the adoption of the map sufficient to take care of the vast increase in population in the area since 1945, and that there still has been no provision made for rental housing or apartment zoning in the entire area.

Jacob Realty, Inc.

It is to be noted that the opinion of the Deputy Zoning Commissioner, from which this appeal is taken, refers to his opinion on a commercial reclassification at the corner of Kenwood and Hazelwood Avenues to B-L for a shopping center and gasoline service station which he denied but which was granted by this Board subject to certain restrictions, and which case was not appealed from the Board so that his denial of the present application on the basis of the other case (namely, #64-155-RX) no longer has any application to the issues before the Board in the present case.

In Mr. Klaus' opinion there was error in the original zoning because no provisions were made for apartments in the area or any form of rental housing, and that there have been sufficient changes in the area to warrant the rezoning applied for including the important one of a vast change in the actual topography of the subject property itself by excavation and construction work incidental to the building of the Kennedy Expressway. The increased demand since the middle 1950's for apartments and rental housing can also be onsidered as a change. He further ventured his opinion that in many cases the construction of apartments has added to the value of land in the immediate neighborhood, and in this case would not be detrimental to the value of any homes within a reasonable distance. He also felt that the adjoining land should be and could very well be rezoned for R-A but no petition had been filed for this.

Jacob Realty, Inc.

John Cr Childs

Leonard M. Glass

MATZ, CHILDS & ASSOCIATES, INC. Engineers - Surveyors - Site Planer 2129 N. Charles St. - Baltimore, Maryland 21218

AVENUE - SOUTHEAST OF NORTHEASTERN EXPRESSWAY -

WEST OF KENWOOD AVENUE - FOURTEENTH ELECTION

Norman F. Herrmann 13. 8094 ACRE PARCEL - NORTH SIDE OF HAZELWOOD

DISTRICT - BALTIMORE COUNTY, MARYLAND.

Present Zoning R6 Proposed Zoning RA

Beginning for the same at a point in the center line of Hazelwood Avenue

at the distance of 200 feet, more or less, as measured westerly along said

center line from its intersection with the center line of Ellinwood Road, said point of beginning being in the eighth line of that parcel of land described in

a deed from Harvey C. Bickel and wife to Frank J. Emala, dated September

1, 1943 and recorded among the Land Records of Baltimore County in Liber

Hazelwood Avenue N. 89° 59' 50" W - 320, 91 feet to the end of the third line

reversely along the second line of said last mentioned land and continuing

August 9, 1939 and recorded among said Land Records in Liber C. W. B. Jr.

1072, Page 337 was conveyed by William P. Quick to Adam P. Quick and

wife, in all, N. 89 $^{\rm o}$  59 $^{\rm t}$  50 $^{\rm m}$  W - 185.60 feet, thence reversely along the

second line of said last mentioned land, S. 220 16, 30" W - 293, 00 feet to

said line reversely along the third line of the land which by deed dated

of the land which by deed dated April 21, 1938 and recorded among the aforesaid Land Records in Liber C. W. B. Jr. 1039, Page 17 was conveyed by William P. Quick to Adam P. Quick and wife, thence binding reversely on said last mentioned third line, N. 22° 16' 30" E - 293.00 feet, thence

R.J.S. 1308, page 167, running thence, binding on said center line of

#65-23512

Mr. George E. Gavrelis, Director of the Office of Planning and Zoning, oned as a witness by the protestants, stated that this particular piece of property presented a serious problem for any type of development because of its shape and topo graphy out felt that it could be retained in the R-6 classification because the new Northeastern Area Master Plan, he felt, would allow for sufficient R-A zoning in the general area. This may or may not be. The Board feels it cannot consider this uncertain factor as controlling evidence in a case before it until and unless a new general map for the entire area is adopted by the County Council. Mr. Gavrelis did say, however, that the area now zoned B-L in this vicinity was originally recommended by the planners to be R-A, and that the R-A classification would be a good buffer or transitional zone between B-L and other forms of residential property, and he conceded that there is a real need for apartment coning in the area stating "the real debate is where should it be".

The petitioner produced as a witness Mr. W. W. Ewell, a traffic expert, who had investigated the area and had taken traffic counts on both Hazelwood and Kenwoo Avenues and Golden Ring Road in March, September and October, 1965, and had considered the plat plans for the shopping center approved by the Board and also for the subjec property, and without going into his entire testimony in detail he expressed the opinion, which the Board feels is the correct one, that although any use or development of this prop erty would tend to increase the traffic, the proposed use would not result in actual congestion or any hazardous condition on either the feeder roads or the main highways in the area.

The protestants, most of whom were representing two civic associations in the ood, testified that they felt that the existing roads were inadequate, that the derelapment of this property would overtax the schools, fire and police protection, sewer and water supply, and would reduce the value of their homes and would bring undesirable and ransient residents into their neighborhood.

The Board does not believe that their objections are well taken in this case secause it would appear that apartment houses, particularly those with a number of onepedroom apartments such as the plan for the subject property, would not increase the school population, cause traffic congestion, overtax fire or police protection, or place a burden on the sewer or water supply as much as any other form of development of this property and especially development for small cottages or semi-detached homes which would be the alternative if such were economically feasible.

For the foregoing reasons the application for rezoning of this property to R-A will be granted.

Develope

#65-235R

MAP

BII+I4A

RE: PETITION FOR RECLASSIFICATION R-6 to R-A Zone N/S of Hazelwood Avenue 2001 West of the intersection of Ellinwood Road -lith District

No. 65-235-R

..............

The petitioner's property, consisting of 1h acres, is the subject of a petition for recoming from an R-5 zone to an R-4 zone to permit the construction of 20h apartment units.

There is little doubt the petitioner has proven an error in the original soning map so far as it applies to the subject tract. However, the Deputy Zoning Considerioner has no choice but to deny the petition at this time for the same reasons set forth in his originion in petition No. 6[1.355-XISH. [Potition for Reclamification, Special Exception for gasoline service station, and Special Hearing to permit parking in a residential zone- No corner Kenwess and Hazelwood Avenues. Minns B. Dreher et al-Petitioner)

In view of the existing traffic hazard in the general neighborhood, it is the opinion of the Deputy Zoning Commissioner that to grant the zoning horely requested would not be in the general public interest for the promotion of the health, safety and general welfare of the community.

For the aforegoing reasons, it is GEDERED by the Deputy Zening Cormissioner of Beltimore County, this  $\frac{2V}{2V}$  day of April, 1965, that the above reclassification be and the same is hereby DETERD and that the above described property or area be and the same is hereby continued as and to remain an R-5 zene.

Jacob Realty, Inc.

For the reasons set forth in the aforegoing Opinion, it is this 2nd day of December, 1965 by the County Board of Appeals, OR DERED that the reclassification petitioned for, be and the same is hereby GRANTED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

> COUNTY BOARD OF APPEALS BALTIMORE COUNTY

TZ, CHILDS & ASSOCIATES INC. 2129 N. Charles St. - Baltimore #65-235 R

the center line of Hazelwood Avenue herein referred to, thence binding thereon, N. 89° 59' 50" W - 14. 80 feet to the beginning of the second line of the land which by deed dated October 24, 1952 and reco ded among Land Records in Liber G. L. B. 2194, Page 423 was conveyed by Carl J Bethke and wife to William E. Pfeifer and wife, thence binding on the line of said last mentioned land, N. 22° 16' 30" E - 382, 85 feet to the beg of the third line thereof, thence binding on the third and fourth lines of said last mentioned land and continuing the same course along the third line of the land which by deed dated January 12, 1953 and recorded among said Land Records in Liber G. L. B. 2233, Page 269 was conveyed by Carl J. Bethke and wife to Theodore Holewczynski and wife, and still continuing the same course along the third line of the land conveyed by Carl J. Bethke and wife to William F. Dillon and wife, dated December 14, 1954 and recorded among said Land Records in Liber G. L. B. 2610, page 544, in all, N. 67° 45' 40" W -218. 25 feet to a point in the second line of the land deeded to Emala as aforesaid, thence binding on a part of said second line, N. 21° 18' 05" E - 532.57 feet to a point in the southeast "Right of Way Line" of the Northeastern Expressway, as shown on Plat No. 14660, revised December 6, 1956 and prepared by the Stree Roads Commission of Maryland, thence binding on a part of said southeast "Right of Way Line" as shown on said plat and on other plats prepared by said State Roads Commission of Maryland, the two following courses and distances: (1) N. 53° 13' 15" E - 198. 02 feet and (2)

BALTIMORE COUNTY, MARYLAND

N. 530 30' 15" E - 282. 87 feet, thence S. 770 46' 05" E - 666. 75 feet to a

INTER-OFFICE CORRESPONDENCE

Mr. James Dyer 

FROM Mr. Albert Quimby

SUBJECT Petition - RA - Hazelwood and Kenwood Avenues

The subject petition has been reviewed and the following comment is made. The entire corner at Hazelwood and Kenwood Avenues and the expressway must be considered in reference to this petition and this area is too great to be demendent upon private roads entirely. It is the opinion of this office that a public road should run between Hazelwood and Kenwood Avenues embracing the subjec tract. There are two alternative ways of doing this, the most logical of which. seems to be the boundary running north and south on Hazelwood Avenue at the east of this property, said road would be half on the subject property and half on the neighboring property crossing the northern extremity of this boundary to Kenwood Avenue. Such a road permits reasonable development of single family homes on the adjoining property and serves the subject property with an entrance to Hazelwood Avenue and ultimately a more useful access to Kenwood Avenue.

TZ, CHILLS & ASSOCIATES INC. 2129 N. Charles St. - Baltimore 18,

#65-235 R point in the divinding line between lots No. 69 and 70 as sh entitled "Plat A - Kenwood Park", and recorded among said Land Records/

in Plat Book J. W.S. 1, page 323, said last mentioned point being at the beginning of the second line of the land which by deed dated July 12, 19 and recorded among said Land Records in Liber R.J.S. 1465, Page 33 was conveyed by Joseph Ciekot and wife to Joseph R. Mackie and wife, thence binding on said last mentioned second line S. 25° 02' 00" E - 131.8 feet to the north side of a proposed road or avenue, thirty feet wide, as called for in said last mentioned deed, thence binding on the north side of said road or avenue, N. 89° 28' 40" E - 400.00 feet to the southwest side of Kerwood Avenue as shown on said plat, binding thereon, S. 250 02' 00" E -

32. 97 Met, thence binding on the division line between lots No. 68 and 69 as

shown on said plat, S. 89° 28' 40" W - 1131.08 feet to the beginning of the

seventh line of that parcel of land first herein referred to, thence binding

on the seventh and a part of the eighth line of said first mentioned parcel,

Containing 13. 8094 Acres of land.

in all. S. 00° 31' 20" E - 922, 64 feet to the place of beginning

RS/jc

T O #63284 12/2/64



#65-235 R MIMP V BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING HI1+14A COUNTY OFFICE BUILDING

RA Pobrusy 5, 1966

to Red Zong, Ter Jacob Reilton Red located on Mark Haselwood Avenue, 200° W of Killmood Reed

The Zoning Advisory Committee has reviewed the subject petition makes the following comments:

Office of Flanning and Zoning : Bureau of Traffic Engineering :

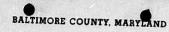
The Office of Flanning and Zening and the Bureau of Traffic Engineering will review the subject petition and submit any necessary communicate at a later date.

The following members had no comments to offers

Yours very truly,

JAMES E. DYER WOLL Chief of Permit and Petition Processing

ees Office of Planning/Zoning



INTER-OFFICE CORRESPONDENCE

TO Mr. John G. Rose, Zoning Commissioner Date February 24, 1965

PROM. George E. Gavrells, Director

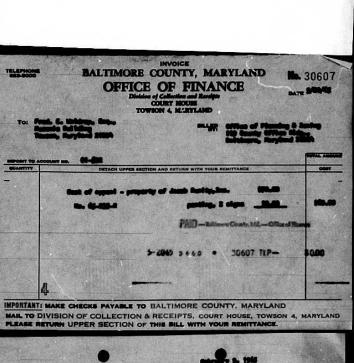
SUBJECT 45-235-R. R-6 to B.A. North side of Hazelwood Avenue 200 feet West of the Intersection of Ellinwood Road. Being the property of Jocob Realty, Inc., et al.

14th District

HEARING: Monday, March 8th, 1965 (11:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments with regard to planning factors:

- The Northeastern Master Plan proposed by this office designates the subject property for lower density use, as it is now zoned. This designation is based upon the lack of collector streets serving the subject parcel and on the fact that sufficient areas nearby are designated for apartment development.
- While the shape of the subject parcel poses some problems for any type of development, it does not preclude the possibility of development within current zoning restrictions.



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

Your petition has been received and accepted for filing this

3-900 1107 . 28586 TIP-PORTABLI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND BALTMORE COUNTY, MARKLAND 28533 OFFICE OF FINAN PAND - Britishers County Not - Office 2-1005 132 . 28533 TIP-MPORTANTI MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

> FRED E. WALDROS ATTORNEY AT LAW MASONIC BUILDING WEON, MARYLAND 21 VALLEY 8-8678



May 13, 1965

Mr. John G. Rose, Zoning Commissioner of Baltim County Office Building Towson, Maryland 21204

Re: Petition for Reclassification R-6 to R-A Zone N/Z of Hazelwood Avenue 200' West of the intersection of Ellimwood Road -14th District Jacob Realty Inc., -Petitioner No. 65-235-R

Dear Mr. Rose:

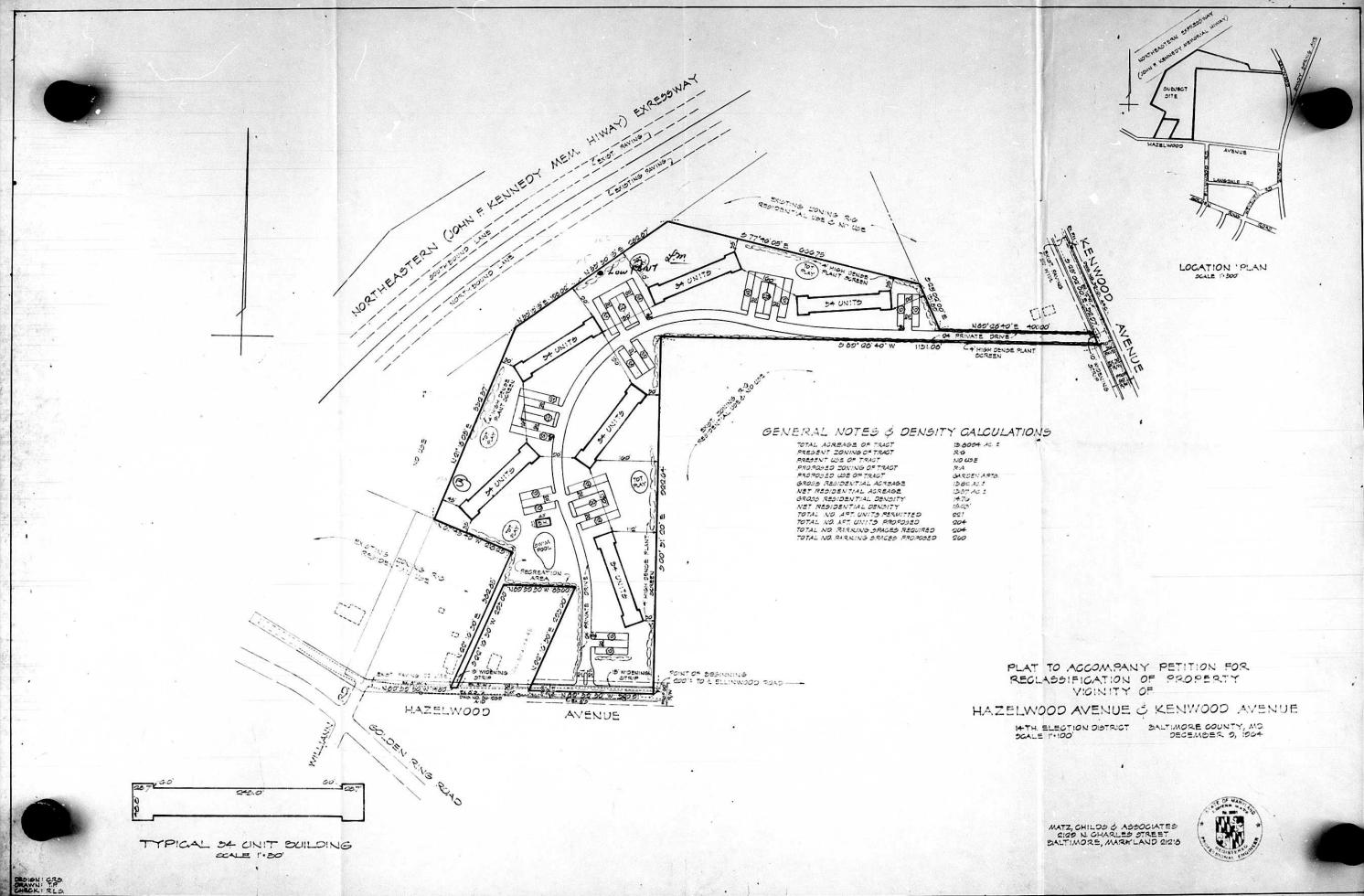
Please enter an Appeal to the County Board of Appeals of Baltimore County on behalf of my client Jacob Realty, Inc. I am enclosing my check in the amount of \$80.00 to cover costs of same.

Very truly yours,

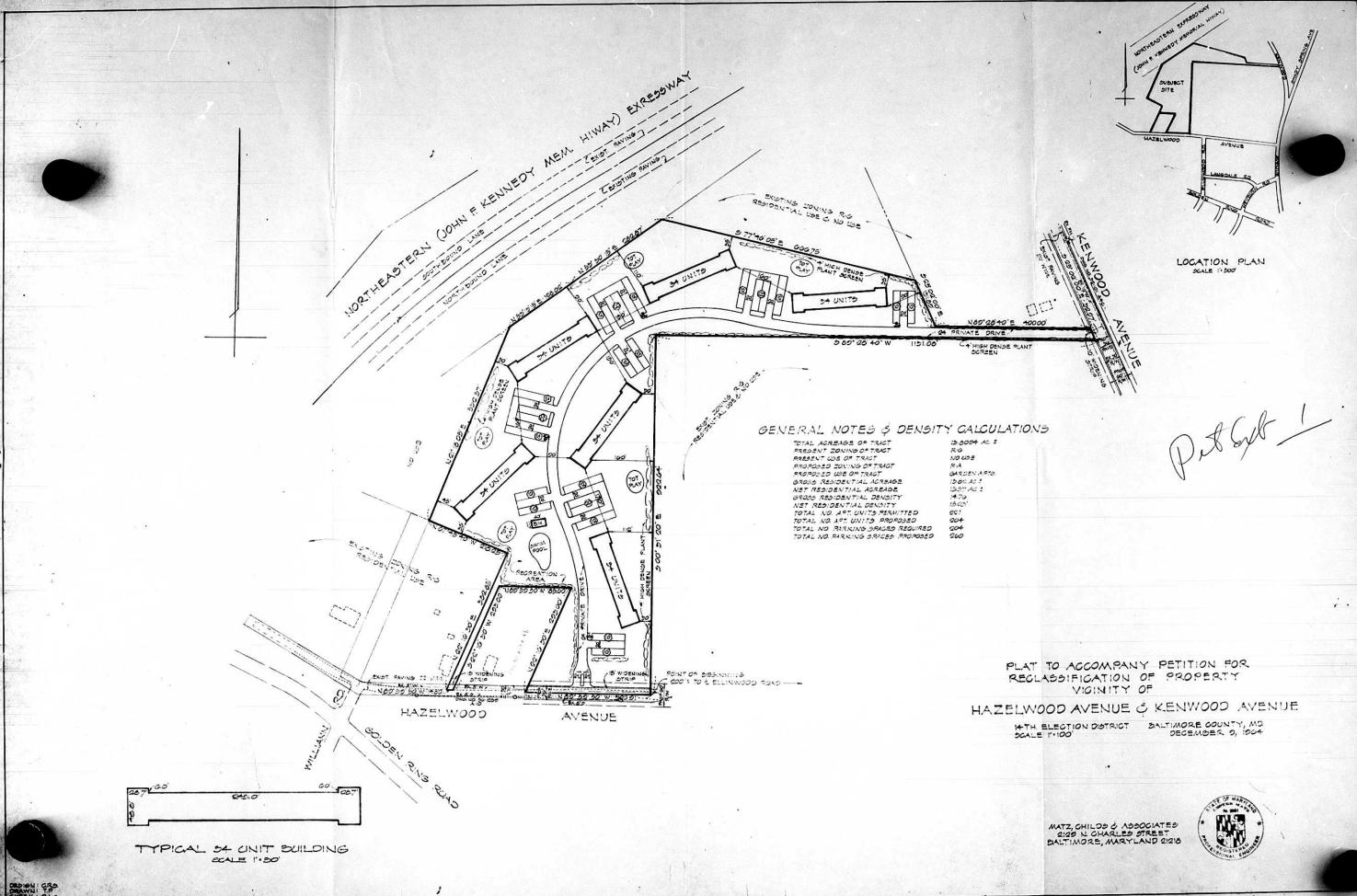
Ind & Haldrap Fred E. Waldrop &

FEW:be

Enc.



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